

31. The catalyst according to claim 11, wherein content of ammonium salts is less than or equal to 0.05% by weight.
32. The catalyst according to claim 22, wherein content of ammonium salts is less than or equal to 0.05% by weight.

### REMARKS

Applicants respectfully request reconsideration in view of the amendment and following remarks. Support for newly added claim 22 can be found in original claim 1 and in the specification at page 3, lines 26 through 28. Support for newly added claims 23 through 30 can be found in original claims 2 through 9. Support for newly added claims 31 and 32 can be found in the specification at page 2, lines 25 through 27. Claims 11-32 are now in the case. The additional fee of \$36.00 is enclosed for the two extra claims over 20.

Claims 11 through 21 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over EP 657, 409 (hereinafter referred to as "EP '409"). The applicants respectfully traverse this rejection.

EP '409 relates to mixed chromium (III) and vanadium (III) catalysts. The presence of both metals in the EP '409 catalyst is essential. EP '409 is the equivalent of AU 80339 (hereinafter referred to as "AU '339"). At page 3, lines 10-17 of AU '339, the mixed catalyst taught in EP '409 is better than Cr alone and V alone. In view of this teaching, a person of ordinary skill in the art would expect that Cr alone gives a worse performance than the mixture of the Cr/V catalyst.

Furthermore, the ammonium salt content, which is an essential technical feature of the instant catalysts is not addressed in EP '409. The ammonium content is discussed in the applicants' specification the last paragraph of page 1 through page 2, the last two paragraphs on page 4, and the examples.

EP '409 contemplates various ways of making catalysts which would lead to catalysts which can contain ammonium ions. Concerning formation of precipitate or gel, EP '409 teaches on page 5, line 7 and in example 1 of AU '339, the use of aqueous ammonia ( $\text{NH}_4\text{OH}$ ) which contains ammonium ions. Concerning pyrolysis of oxalates, it should be noted that examples 2 and 3 of EP '409 use a mixed ammonium oxalate complex of chromium and vanadium of general formula  $(\text{NH}_4)_3[\text{Cr}_x\text{V}_{1-x}(\text{C}_2\text{O}_4)_3]$  as starting material. Consequently, the bulk catalyst material produced according to EP '409 may contain ammonium ions.

The actual ammonium content in the EP '409 reference cannot be determined as there is *e.g.* no indication how washing is carried out. The hypothetical possibility that a low ammonium content would have been obtained is in the applicants' opinion not sufficient to negate patentability, as the prior art completely fails to recognize the importance of controlling the ammonium content in the catalyst and does not contain any suggestion in this sense.

In this context, when doing research in the catalyst art, there is a considerable problem to know why a catalyst does not display a desirable activity or why results lack reproducibility when it comes to low amounts of compounds which may cause catalyst poisoning. The person of ordinary skill in the art, who does not know what he is looking for, may simply ignore a good catalyst as inactive, because he is unaware of a poison which has a deleterious effect on the catalyst performance.

In this situation, EP '409 does not recognize the ammonium ion to be a catalyst poison and does not provide any useful technical teaching to the person of ordinary skill in the art. Indeed the latter will still be confronted to a "trial and error" situation with respect to inexplicable variations of catalyst performance which, yet, should be equivalent according to the teaching of the prior art. Accordingly, the applicants believe that the skilled person, unaware of

the present invention, was unable to figure out any impact of ammonium ion concentration on the catalyst performance.

However, as evidenced by the working examples of the instant patent application, this effect is of considerable importance. Consequently, the presently claimed invention provides a valuable and non-obvious contribution to the state of the art, as it discloses a catalyst allowing for particularly efficient manufacture of fluorinated compounds. For the above reasons, this rejection should be withdrawn.

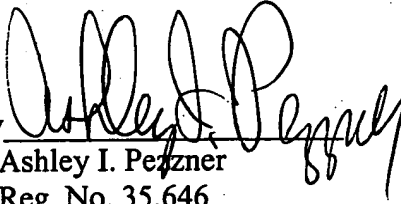
The applicants again respectfully request that the previous Disclosure Statement be made of record. The applicants noticed that there was a typographical error with respect to the Australian patent number. The undersigned wrote down the application number 682225 and not the patent no.80339. Enclosed is a revised form 1449.

A one month extension fee has been paid. No additional fees are due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable over the references cited and applied by the Examiner and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

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